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Warren D. Krebs
Parr, Rickey, Obremsky
& Morton
121 Monument Circle
Suite 500
Indianapolis, IN 46204

RE: Gary Development Co., Inc.
EPA I.D. No. IND 077005916

Dear Mr. Krebs:

Enclosed please find Proposed Stipulations of Facts for the above-referenced matter. Please note that Judge Greene's Order of March 3, 1987 requires the parties to file such stipulations no later than March 27, 1987. Accordingly, I expect you to contact me with your comments by March 20, 1987. I may be reached at the above address or by telephone at (312) 886-7948.

Sincerely,

Marc M. Radell
Assistant Regional Counsel

Enclosure

cc: Judge Greene (w/encl.) (A-110)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:

GARY DEVELOPMENT COMPANY, INC.
GARY, INDIANA

EPA, I.D. NO. IND 077 005 916

)
)
) DOCKET NO. RCRA-V-W-86-R-45
)
)

) JUDGE GREENE
)
)

PROPOSED STIPULATIONS OF FACTS

The U.S. Environmental Protection Agency (U.S. EPA), Region V ("Complainant") and the Gary Development Company, Inc., ("Respondent") hereby stipulate to the following facts for the purposes of this action only:

1. Respondent owns and operates a solid waste management facility located at 479 North Cline Avenue, Gary, Indiana 46406. Respondent is an Indiana corporation whose registered agent in Indiana is CT Corporations System, 1 North Capitol Avenue, Indianapolis, Indiana 46204.

2. From December, 1980 to November, 1981, Respondent received approximately thirty-seven shipments of waste from American Chemical Service, Inc., transported by Independent Waste. The manifests for the waste identify the waste as "EPA Hazardous Waste I.D. Number F005, Paint Sludge." Each shipment contained approximately two thousand seven hundred fifty pounds of waste.

3. From November, 1980 to March, 1982, Respondent received approximately ninety-four shipments of waste from Jones and Laughlin Steel Corporation transported by Industrial Disposal Corp. The manifests for the waste identify the wastes as "EPA hazardous Code 'T'" and "EPA Waste Type K087." Each shipment contained approximately three thousand gallons of waste.

4. Respondent also received numerous other shipments of waste from Jones and Laughlin Steel Corporation during this time period. The manifests for these wastes identified the wastes as "EPA Waste type F006." These wastes, however, were the subject of a successful temporary delisting petition and are not part of the subject in controversy in this action.

5. From November, 1980 to January, 1983, Respondent received numerous shipments of waste from U.S.S. Lead Refinery, Inc., transported by Industrial Disposal Corp. The manifest for the wastes identified the wastes as "calcium sulfate," "reverb slag," and "rubber battery chips." All three waste types are identified in some of the manifests as "hazardous waste solid, 9189 Lead." Some manifests refer to the calcium sulfate as "D008." Based upon addition from the manifests, Respondent received approximately 762,480 gallons of calcium sulfate, 880 cubic yards of rubber battery chips and two hundred twenty cubic yards of reverb slag during this time period.

6. Respondent submitted Part A of a RCRA permit application on November 18, 1980. •

7. Respondent did not submit a Notification of Hazardous Waste Activity by August 18, 1980.

8. Respondent did not submit Part B of a RCRA permit application nor certify compliance with RCRA groundwater monitoring and financial responsibility requirements by November 8, 1985.

Dated this _____ day of March, 1987.

By: _____
Marc M. Radell, Esq.
Counsel for Complainant

Warren D. Krebs
Counsel for Respondent